



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,637	02/27/2002	Craig Mayo	3691-368	1812

7590 01/12/2005

NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington, VA 22201

EXAMINER

CHILCOT, RICHARD E

ART UNIT PAPER NUMBER

3627

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,637

Applicant(s)

MAYO ET AL.

Examiner

Richard E. Chilcot, Jr.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

In view of the Appeal Brief filed on November 2, 2004, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection under 35 U.S.C. § 101 is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The basis of this rejection is directed set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete and tangible result.

For a claimed invention to be statutory, the claim must be within the technological arts. Mere ideas in the in the abstract that do not apply, involve, use or advance the technological arts fail to promote the progress of science and the useful arts. For a

Art Unit: 3627

process, the recited process must somehow apply, involve, use or advance the technological arts. Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use or advance the underlying process. Such is the case here, there is no recited component in the recited process that would render the claims statutory.

The examiner recommends by way of an example only recitation of a computer within the body of the claim if the specification supports such an amendment.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over With regards to claim 1, Li discloses a method of handling vehicle warranty claims that includes a customer taking a damaged vehicle to a retailer (col. 3, line 32+, col. 4, line 46+), a technician analyzing the damage and determining the cause of the damage (col. 4, line 19+. Col. 4, line 45+, col. 7, line 42+), processing the claim to get the damage repaired depending on the nature of the damage (col. 8, line 9+), and informing the customer whether the damage is covered by the warranty (col. 6, line 48+, col. 7, line 62+). It would have been obvious for one having ordinary skill in the art at the time of the invention, that the damage to the vehicle could have been a variety of types of damage including windows.

Concerning claims 2-4, it would have been obvious for the skilled artisan to order replacement parts from the appropriate sources to bill for services and the parts, accordingly.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Busche.

The method of Li differs from the claimed method in that it does not include providing the retailer with statistical information and analysis regarding warranty claims (claims 5-7).

On the other hand, Busche discloses a method of handling vehicle warranty claims that includes providing the retailer with statistical information and analysis regarding warranty claims (col. 10, line 23+, col. 11, line 50+).

Accordingly, it would have been obvious for one having ordinary skill in the art at the time of the invention to modify the method of Li to include providing the retailer with statistical information and analysis regarding warranty claims, as taught by Busche, to help provide retailers with a better understanding of the products and warranty claims that occur.

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Busche.

With regards to claims 8 and 12, Li discloses a method of handling vehicle warranty claims that includes a customer taking a damaged vehicle to a retailer (col. 3, line 32+, col. 4, line 46+), a technician analyzing the damage and determining the cause

Art Unit: 3627

of the damage (col. 4, line 19+. Col. 4, line 45+, col. 7, line 42+), processing the claim to get the damage repaired depending on the nature of the damage (col. 8, line 9+), and informing the customer whether the damage is covered by the warranty (col. 6, line 48+, col. 7, line 62+). It would have been obvious for one having ordinary skill in the art at the time of the invention, that the damage to the vehicle could have been a variety of types of damage including windows.

Concerning claims 10 and 11, the method includes ordering replacement parts from the appropriate sources to bill for services and the parts (col. 8, line 9+).

The method of Li differs from the claimed method in that it does not include providing the retailer with statistical information and analysis concerning the warranty claims (claims 5-7).

On the other hand, Busche discloses a method of handling vehicle warranty claims that includes providing the retailer with statistical information and analysis regarding warranty claims (col. 10, line 23+, col. 11, line 50+).

Accordingly, it would have been obvious for one having ordinary skill in the art at the time of the invention to modify the method of Li to include providing the retailer with statistical information and analysis regarding warranty claims, as taught by Busche, to help provide retailers with a better understanding of the products and warranty claims that occur.

Response to Arguments

Concerning applicants' argument that Li. fails to teach or suggest differentiating between a, b and c, the examiner is of another opinion. Any warranty repair always

includes a determination on whether the repairs needed are based upon a manufacturer's defect, a material defect or a non-covered usage of the item. Accordingly, such determinations are always present in the warranty repair environment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard E. Chilcot, Jr. whose telephone number is 703-305-4716. The examiner can normally be reached on 5/4/9 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard E. Chilcot, Jr.
Primary Examiner
Art Unit 3627

Handwritten signature of Robert P. Olszewski, dated 11/10/05.

ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600